

# **EXHIBIT A**



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, )  
 ) Case No. 1:19-CR-0227  
 ) (JLS) (MJR)  
Plaintiff, )  
 )  
vs. ) March 8th, 2021  
 )  
JOSEPH BONGIOVANNI, )  
PETER GERACE, JR., )  
(Via Zoom for Government) )  
 )  
Defendants. )

TRANSCRIPT OF ARRAIGNMENT  
BEFORE THE HONORABLE MICHAEL J. ROEMER  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: JAMES P. KENNEDY, JR.  
UNITED STATES ATTORNEY  
BY: JOSEPH TRIPI, ESQ.  
(Via Zoom for Government)  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Avenue  
Buffalo, NY 14202

For the Defendant: HARRINGTON & MAHONEY  
BONGIOVANNI BY: JAMES HARRINGTON, ESQ.  
JESSIE PYLE, ESQ.  
(Via Zoom for Government)  
70 Niagara Street  
Third Floor  
Buffalo, NY 14202

For the Defendant: JOEL DANIELS, ESQ.  
GERACE (via Zoom for Government)  
42 Delaware Avenue, Suite 700  
Buffalo, NY 14202

Probation Officer: ANDRE MCCRAY

Audio Recorder: ROSALIE ZAVARELLA



02:15PM 1 motions that Mr. Harrington had filed, replies were due  
02:15PM 2 March 9th and oral arguments were due March 16th. I  
02:15PM 3 understand there's more discovery and there's certain things  
02:15PM 4 that have changed and he's going to have to review that and  
02:15PM 5 make certain responses or motions, excuse me, but I think  
02:16PM 6 there may be certain portions of those motions that have  
02:16PM 7 already been filed that are still ripe, I guess, for argument,  
02:16PM 8 that sort of will permeate through the case. Should we deal  
02:16PM 9 with those now or --

02:16PM 10 THE COURT: I thought what we just agreed on was that  
02:16PM 11 we're going to start over, right? Mr. Harrington is going  
02:16PM 12 to -- if he wants to reassert these motions, he'll reassert  
02:16PM 13 them with the current batch of motions. Is that right,  
02:16PM 14 Mr. Harrington?

02:16PM 15 MR. HARRINGTON: Yes, Judge.

02:16PM 16 THE COURT: That's what I prefer to do. I don't want  
02:16PM 17 to break it up.

02:16PM 18 MR. TRIPI: Okay, Judge. I was just making sure we  
02:16PM 19 weren't supplementing what was already filed. We're starting  
02:16PM 20 over?

02:16PM 21 THE COURT: Starting over. Okay. Now, I'll hear  
02:16PM 22 from you, Mr. Tripi, on Speedy Trial.

02:16PM 23 MR. TRIPI: Yes, Your Honor. I'd ask that the time  
02:16PM 24 from today's date until the defense motion deadline, which is  
02:17PM 25 July 7th, 2021, be excluded in the interest of justice in the



02:17PM 1 interest of effective assistance of counsel. Counsel for  
02:17PM 2 Mr. Bongiovanni already has a lot of discovery that they'll be  
02:17PM 3 reviewing. In addition, he'll be obtaining more discovery and  
02:17PM 4 they'll be assessing that discovery in light of the second  
02:17PM 5 superseding indictment which did, although has a lot of the  
02:17PM 6 same charges, does add some new charges and, of course, adds a  
02:17PM 7 co-defendant.

02:17PM 8 As it relates to Mr. Gerace's counsel, Mr. Daniels,  
02:17PM 9 obviously, until a few days ago, there were no charges pending  
02:17PM 10 against Mr. Gerace. So, there's been no discovery previously  
02:17PM 11 provided to Mr. Daniels. So, he'll have to obtain all the  
02:17PM 12 discovery that was previously made available and provide it to  
02:17PM 13 Mr. Bongiovanni plus any additional discovery that is  
02:17PM 14 generated in the case.

02:17PM 15 We're going to be providing that on the deadline that the  
02:17PM 16 Court had set of April 5th. There is voluminous discovery.  
02:18PM 17 We are putting it in a searchable, reviewable format. This is  
02:18PM 18 the nature -- this is the type of case though, I will say,  
02:18PM 19 that investigation will continue. So, there may be additional  
02:18PM 20 items that come in after that date and we understand our  
02:18PM 21 obligations under Rule 16(c). We'll keep providing discovery  
02:18PM 22 on a continuing basis.

02:18PM 23 I'd ask that, for those reasons though, for defense  
02:18PM 24 counsel to review the discovery, consult with their clients,  
02:18PM 25 assess that discovery in light of the second superseding



02:18PM 1 indictment, that time be excluded from the Speedy Trial Act  
02:18PM 2 clock until July 7th, 2021 for the defense filing of motions,  
02:18PM 3 for effective assistance of counsel, for continuity of counsel  
02:18PM 4 and for all those reasons, it would outweigh both of the  
02:18PM 5 defendants' and the public's right to a more speedy trial  
02:18PM 6 pursuant to Title 18 U.S. Code 3161(h) (7) (A) and  
02:18PM 7 3161(h) (7) (B) (iv) and I'd ask that an order of exclusion be  
02:19PM 8 entered to that effect.

02:19PM 9 THE COURT: Mr. Harrington?

02:19PM 10 MR. HARRINGTON: We agree, Judge.

02:19PM 11 THE COURT: Mr. Daniels?

02:19PM 12 MR. DANIELS: No objection, Judge.

02:19PM 13 THE COURT: For the reasons stated by the government,  
02:19PM 14 the Court finds that the ends of justice served by the request  
02:19PM 15 for continuance outweigh the best interest of the defendants  
02:20PM 16 and the public in a speedy trial and the time between today  
02:20PM 17 and July 7th, 2021 shall be excluded from the Speedy Trial  
02:20PM 18 clock.

02:20PM 19 Mr. Bongiovanni has been released on conditions since the  
02:20PM 20 original indictment. I know of no problems with that, so  
02:20PM 21 he'll continue on conditions. And Mr. Gerace was released on  
02:20PM 22 conditions by the magistrate judge in Florida. I am going to  
02:20PM 23 go through those conditions with Mr. Gerace quickly just so --  
02:20PM 24 to make sure we're all on the same page here.

02:20PM 25 MR. DANIELS: Judge, if I might?